

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE April 4, 2006		(3) CONTACT/PHONE John McKenzie, Project Manager (805) 805 781-5452	
(4) SUBJECT Certification of the Final Environmental Impact Report for Growth Management Ordinance Amendments; ED00-397					
(5) SUMMARY OF REQUEST In May, 2000, the Board approved the Nipomo Mesa 180 GMO exemption provision. A lawsuit was filed stating that an EIR should have been prepared to evaluate the impacts of these 180 exemptions. A Settlement Agreement was then reached where the county would prepare an EIR to evaluate the impacts associated with these GMO exemptions. The Settlement Agreement did not preclude these 180 exemptions from being constructed. The Final EIR has been completed. Approval of the recommended action would solely result in certification of the EIR. None of the GMO amendments evaluated in the EIR are being considered for approval at this time.					
(6) RECOMMENDED ACTION It is the recommendation of the Environmental Coordinator that the Board of Supervisors certify the Growth Management Ordinance (GMO) Amendment Final Environmental Impact Report (EIR) and find that: 1) The final EIR has been completed in compliance with the California Environmental Quality Act (CEQA); 2) The Board of Supervisors has reviewed and considered the information contained in the Final EIR; and 3) The Final EIR reflect's the lead agency's (County's) independent judgment and analysis.					
(7) FUNDING SOURCE(S) Current Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): As a part of the Notice of Preparation for the Draft EIR, 246 notices were sent to agencies, organizations and interested persons throughout the County and surrounding area. All DEIR comments received were responded to as part of the FEIR.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1 st , 2 nd , 3 rd , 4 th , 5 th , All ✓			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (45 min) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW

OK Leslie Brown

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(4400)



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE: APRIL 4, 2006

TO: BOARD OF SUPERVISORS

FROM: JOHN McKENZIE, ENVIRONMENTAL SPECIALIST *Mc*

VIA: ELLEN CARROLL, ENVIRONMENTAL COORDINATOR *EC*

SUBJECT: CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR
GROWTH MANAGEMENT ORDINANCE AMENDMENTS; ED00-397

RECOMMENDATION

It is the recommendation of the Environmental Coordinator that the Board of Supervisors certify the Growth Management Ordinance (GMO) Amendment Final Environmental Impact Report (EIR) and find that:

- 1) The final EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The Board of Supervisors has reviewed and considered the information contained in the Final EIR; and
- 3) The Final EIR reflect's the lead agency's (County's) independent judgment and analysis.

Approval of the recommended action will result only in certification of the EIR. Approval of GMO amendments evaluated in the EIR is not being considered at this time. At such time that a specific GMO amendment evaluated in this EIR is considered for approval, additional CEQA findings will be required and provided to your Board at that time.

DISCUSSION

Background

San Luis Obispo County (hereinafter referred to as "the County") has enacted a Growth Management Ordinance (Title 26) to establish an annual rate of growth and a system for allocating the number of residential construction permits issued each year. The purpose of the County Growth Management Ordinance (GMO) is to attempt to guide growth rather than react to its effects.

180 exemptions. In November, 1999, a 2.3% growth rate restriction was applied to the Nipomo area. As a result of this action, 180 "pipeline" residential units had applied for permits before this decision was made, but had not yet received approval. If the new growth restriction had been applied to these "pipeline" units, substantial delays in their construction could have ensued.

Lawsuit/Settlement Agreement. In May, 2000, the Board approved the Nipomo Mesa 180 GMO exemption provision. A lawsuit was filed stating that an EIR should have been prepared to evaluate

the impacts of these 180 exemptions. A Settlement Agreement was then reached where the county would prepare an EIR to evaluate the impacts associated with these GMO exemptions. The Settlement Agreement did not preclude these 180 exemptions from being constructed. The Settlement Agreement also included a provision where the EIR "may also consider other proposed projects including additional proposed amendments to the GMO." In addition to the 180 exemptions, several other GMO amendments were included as a part of the EIR evaluation, including consideration of unused allocations from previous years.

Environmental Impact Report

The EIR (prepared pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) addresses potential impacts on: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards/Hazardous Materials, Noise, Population/ Housing, Public Services/ Utilities, Recreation, Transportation/ Circulation, Wastewater, Water, Land Use.

The EIR evaluated impacts primarily relating to the 180 exemptions; along with several other potential GMO amendments. Where significant impacts were identified, the EIR identified feasible mitigation measures to reduce impacts to the extent possible.

Due to a number of factors, including the complexity of the amendments, waiting for key regional studies to be completed (e.g., water reports in Nipomo), and county staff work load, this EIR took several years to complete. The Final EIR is available on a CD at the Planning Department, or on the County's Website at www.sloplanning.org under "Environmental" then "Current EIRs/Documents".

Other Pending GMO Amendments

On May 9th, 2006, your Board will be considering approval of a different set of GMO amendments that are summarized as follows:

1. Redefine/refine the categories listed in the Growth Management Ordinance (i.e. single family vs multi-family/planned development).
2. Revise percentages reserved for each category to reflect current trends.
3. Increase the percent allowed to any one developer for projects that meet certain criteria, such as smart growth, green build, etc.
4. For Nipomo Mesa Area, allow additional units to be allocated between the 1.8% and the 2.3% growth rate for projects that meet the criteria listed above.
5. For areas with waiting time for allotment selection of more than 24 months, allow application for an allotment once the land use permit is approved/subdivision is recorded rather than requiring full working drawings to be developed and submitted prior to application for an allotment.
6. Clarify Growth Management ordinance to include requirement of approval of any applicable land use permit in addition to full construction permit application in order to apply for allotment.
7. For the Cambria area, reduce the existing 1% growth rate to 0%.

OTHER AGENCY INVOLVEMENT/IMPACT

As a part of the Notice of Preparation for the Draft EIR, 246 notices were sent to agencies, organizations and interested persons throughout the County and surrounding area. The Draft EIR was made available for public review. All comments received during the Public Review Period have been responded to in the Final EIR.

FINANCIAL CONSIDERATIONS

Consultant costs are within the existing EIR budget previously approved by the Board. Staff costs are included in the Planning and Building Department budget.

RESULTS

Should the Board of Supervisors approve the staff recommendation, the GMO EIR will be certified and the terms of the Settlement Agreement will be met. The information in this EIR will be used for evaluating future GMO amendments, as applicable.

ATTACHMENTS

The Growth Management Ordinance Final EIR was previously distributed to each Board member under separate cover. Additional copies of the Final EIR are available at the Planning Department, or on the County's Website at www.sloplanning.org under "Environmental" then "Current EIRs/Documents".

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